

APR 01 2010

JAMES N. HATTEN, Clerk

By *J. B. Hatten* Deputy Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**MICHAEL BRYANT, JOHN DRAKE,
BECKY KELLEY and HERBERT LOWE,**

Plaintiffs,

v.

**VERNON JONES, MARILYN BOYD DREW,
MORRIS WILLIAMS and RICHARD
STOGNER, in their individual
capacities, and DEKALB COUNTY,
GEORGIA,**

Defendants.

**CIVIL ACTION FILE NO.
1:04-CV-2462-WSD**

VERDICT FORM & SPECIAL INTERROGATORIES TO THE JURY

I.

DEFENDANT DEKALB COUNTY

A. LIABILITY TO MICHAEL BRYANT:

Do you find from a preponderance of the evidence:

1. That DeKalb County, Georgia maintained a custom or policy that intentionally discriminated against Plaintiff Bryant in the terms and conditions of his employment based on Plaintiff Bryant's race by creating and maintaining a racially hostile and abusive work environment?

Answer Yes or No Yes

[Note: if you answer "No" to Question No. 1 you need not answer question A2 or A3 and you should next answer question A4.]

2. If you find that DeKalb County, Georgia maintained a custom or policy that intentionally discriminated against Plaintiff Bryant in the terms and conditions of his employment based on his race by creating and maintaining a racially hostile and abusive work environment, did Plaintiff Bryant sustain any damages as a direct result of that custom or policy?

Answer Yes or No Yes

3. That Plaintiff Bryant should be awarded damages against Defendant DeKalb County to compensate him for emotional pain and mental anguish?

Answer Yes or No Yes

If your answer is "Yes", in what amount? \$ 22,000

[Note: Please answer question A4 regardless of your answers to questions A1 through A3.]

4. That DeKalb County, Georgia maintained a custom or policy that intentionally discriminated against Plaintiff Bryant in the terms and conditions of his employment based on Plaintiff Bryant's race by changing Plaintiff Bryant's job duties?

Answer Yes or No Yes

[Note: if you answer "No" to Question No. 4 you need not answer questions A5 through A7.]

5. That DeKalb County, Georgia would have changed Plaintiff Bryant's job duties for other reasons even in the absence of consideration of Bryant's race?

Answer Yes or No No

[Note: if you answer "Yes" to Question No. 5 you need not answer question A6 or A7.]

6. If you find that DeKalb County, Georgia maintained a custom or policy that intentionally discriminated against Plaintiff Bryant in the terms and conditions of his employment based on his race by changing his job duties, did Plaintiff Bryant sustain any damages as a direct result of that custom or policy?

Answer Yes or No Yes

[Note: if you answered "No" to Questions No. 6, you need not answer Question A7 as to DeKalb County, Georgia.]

7. That Plaintiff Bryant should be awarded damages against Defendant DeKalb County to compensate him for emotional pain and mental anguish?

Answer Yes or No Yes

If your answer is "Yes", in what amount? \$ 20,000

B. LIABILITY TO JOHN DRAKE

Do you find from a preponderance of the evidence:

1. That DeKalb County, Georgia maintained a custom or policy that intentionally discriminated against Plaintiff Drake in the terms and conditions of his employment based on Plaintiff Drake's race by creating and maintaining a racially hostile and abusive work environment?

Answer Yes or No Yes

[Note: if you answer "No" to Question No. 1 you need not answer question B2 or B3 and you should next answer question B4.]

2. If you find that DeKalb County, Georgia maintained a custom or policy that intentionally discriminated against Plaintiff Drake in the terms and conditions of his employment based on his race by creating and maintaining a racially hostile and abusive work

environment, did Plaintiff Drake sustain any damages as a direct result of that custom or policy?

Answer Yes or No Yes

3. That Plaintiff Drake should be awarded damages against Defendant DeKalb County to compensate him for emotional pain and mental anguish?

Answer Yes or No Yes

If your answer is "Yes", in what amount? \$ 17,000
[Note: Please answer question B4 regardless of your answers to questions B1-B3.]

4. That DeKalb County, Georgia maintained a custom or policy that intentionally discriminated against Plaintiff Drake in the terms and conditions of his employment based on Plaintiff ~~Bryant's~~ ^{Drake's} race by changing Plaintiff Drake's job duties?

Answer Yes or No Yes

[Note: if you answer "No" to Question No. 4 you need not answer questions B5 through B7.]

5. That DeKalb County, Georgia would have changed Plaintiff Drake's job duties for other reasons even in the absence of consideration of Drake's race?

Answer Yes or No No

[Note: if you answer "Yes" to Question No. 5 you need not answer question B6 or B7.]

6. If you find that DeKalb County, Georgia maintained a custom or policy that intentionally discriminated against Plaintiff Drake in the terms and conditions of his employment based on his race by changing his job duties, did Plaintiff Drake sustain any damages as a direct result of that custom or policy?

Answer Yes or No Yes

[Note: if you answered "No" to Questions No. 6, you need not answer Question B7 as to DeKalb County, Georgia.]

7. That Plaintiff Drake should be awarded damages against Defendant DeKalb County to compensate him for emotional pain and mental anguish?

Answer Yes or No Yes

If your answer is "Yes", in what amount? \$ 15,000

C. LIABILITY TO BECKY KELLEY

Do you find from a preponderance of the evidence:

1. That DeKalb County, Georgia maintained a custom or policy that intentionally discriminated against Plaintiff Kelley in the terms and conditions of her employment based on Plaintiff Kelly's race by creating and maintaining a racially hostile and abusive work environment?

Answer Yes or No No

[Note: if you answer "No" to Question No. 1 you need not answer questions C2 or C3 in this Section. Please move to question No. 4.]

2. If you find that DeKalb County, Georgia maintained a custom or policy that intentionally discriminated against Plaintiff Kelley in the terms and conditions of her employment based on her race by creating and maintaining a racially hostile and abusive work environment, did Plaintiff Kelley sustain any damages as a direct result of that custom or policy?

Answer Yes or No _____

[Note: if you answer "No" to Question No. 2 you need not answer questions 3 in this Section. Please move to question 4.]

3. That Plaintiff Kelley should be awarded damages against Defendant DeKalb County to compensate her for emotional pain and mental anguish?

Answer Yes or No _____

If your answer is "Yes", in what amount? \$ _____

4. That Plaintiff Kelley's working conditions were so intolerable because of a racially hostile work environment that a reasonable person in like circumstances would have felt compelled to resign?

Answer Yes or No No

[Note: if you answer "No" to Question No. 4 you need not answer questions 5 through 8 in this section. Please move to question No. 9.]

5. That DeKalb County, Georgia maintained a custom or policy that intentionally discriminated against Plaintiff Kelley based on her race in the terms and conditions of her employment by creating and maintaining intolerable working conditions that compelled Plaintiff Kelley to resign?

Answer Yes or No _____

[Note: if you answer "No" to Question No. 5 you need not answer questions 6 through 8 in this section. Please move to question No. 9.]

6. If you find that DeKalb County, Georgia maintained a custom or policy that intentionally discriminated against Plaintiff Kelley based on race in the terms and conditions of her employment by creating and maintaining intolerable working conditions, did Plaintiff Kelley sustain any damages as a direct result of that custom or policy?

Answer Yes or No _____

[Note: if you answer "No" to Question No. 6 you need not answer questions 7 through 8. Please move to question No. 9.]

7. That Plaintiff Kelley should be awarded damages to compensate for a net loss of wages and benefits against Defendant DeKalb County?

Answer Yes or No _____

If your answer is "Yes", in what amount? \$ _____

8. That Plaintiff Kelley should be awarded damages against Defendant DeKalb County to compensate her for emotional pain and mental anguish?

Answer Yes or No _____

If your answer is "Yes", in what amount? \$ _____

9. That DeKalb County, Georgia maintained a custom or policy that intentionally discriminated against Plaintiff Kelley in the terms and conditions of her employment based on Plaintiff Kelly's race by transferring her to the Greenspace Program?

Answer Yes or No No

[Note: if you answer "No" to Question No. 9 you need not answer questions 10 through 12 in this Section.]

10. That DeKalb County, Georgia would have transferred Plaintiff Kelley to the Greenspace Program for other reasons even in the absence of consideration of Kelley's race?

Answer Yes or No _____

[Note: if you answer "Yes" to Question No. 10 you need not answer questions 11 or 12 in this Section.]

11. If you find that DeKalb County, Georgia maintained a custom or policy that intentionally discriminated against Plaintiff Kelley in the terms and conditions of her employment based on her race by transferring her to the Greenspace Program, did

Plaintiff Kelley sustain any damages as a direct result of that custom or policy?

Answer Yes or No _____

12. That Plaintiff Kelley should be awarded damages against Defendant DeKalb County to compensate her for emotional pain and mental anguish?

Answer Yes or No _____

If your answer is "Yes", in what amount? \$ _____

II.

DEFENDANT VERNON JONES

A. LIABILITY TO MICHAEL BRYANT

Do you find from a preponderance of the evidence:

1. That Defendant Jones intentionally discriminated against Plaintiff Bryant in the terms and conditions of his employment based on Plaintiff Bryant's race by creating and maintaining a racially hostile and abusive work environment?

Answer Yes or No Yes

[Note: if you answer "No" to Question No. 1 you need not answer the remaining question in this Section.]

2. That Defendant Jones' acts were the proximate or legal cause of any damages sustained by Plaintiff Bryant?

Answer Yes or No Yes

[Note: if you answer "No" to Question No. 2 you need not answer the remaining question in this Section.]

3. That Plaintiff Bryant should be awarded damages against Defendant Jones individually to compensate him for emotional pain and mental anguish?

Answer Yes or No No

If your answer is "Yes", in what amount? \$ _____

4. That Defendant Jones acted with malice or with reckless indifference to Plaintiff Bryant's federally protected rights and that punitive damages should be assessed against Defendant Jones individually?

Answer Yes or No Yes

If your answer is "Yes", in what amount? \$ 15,750

B. LIABILITY TO JOHN DRAKE

Do you find from a preponderance of the evidence:

1. That Defendant Jones intentionally discriminated against Plaintiff Drake in the terms and conditions of his employment based on Plaintiff Drake's race by creating and maintaining a racially hostile and abusive work environment?

Answer Yes or No Yes

[Note: if you answer "No" to Question No. 1 you need not answer the remaining question in this Section.]

2. That Defendant Jones' acts were the proximate or legal cause of any damages sustained by Plaintiff Drake?

Answer Yes or No Yes

[Note: if you answer "No" to Question No. 2 you need not answer the remaining question in this Section.]

3. That Plaintiff Drake should be awarded damages against Defendant Jones individually to compensate him for emotional pain and mental anguish?

Answer Yes or No No

If your answer is "Yes", in what amount? \$ _____

4. That Defendant Jones acted with malice or with reckless indifference to Plaintiff Drake's federally protected rights and that punitive damages should be assessed against Defendant Jones individually?

Answer Yes or No Yes

If your answer is "Yes", in what amount? \$ 12,000

C. LIABILITY TO BECKY KELLEY

Do you find from a preponderance of the evidence:

1. That Defendant Jones intentionally discriminated against Plaintiff Kelley in the terms and conditions of her employment based on Plaintiff Kelley's race by creating and maintaining a racially hostile and abusive work environment?

Answer Yes or No No

[Note: if you answer "No" to Question No. 1 you should not answer the questions 2 – 4 in this section. Please move to question 5.]

2. That Defendant Jones' acts were the proximate or legal cause of any damages sustained by Plaintiff Kelley?

Answer Yes or No _____

[Note: if you answer "No" to Question No. 2 you should not answer the remaining questions 3 – 4. Please move to question 5.]

3. That Plaintiff Kelley should be awarded damages against Defendant Jones individually to compensate her for emotional pain and mental anguish?

Answer Yes or No _____

If your answer is "Yes", in what amount? \$ _____

4. That Defendant Jones acted with malice or with reckless indifference to Plaintiff Kelley's federally protected rights and that punitive damages should be assessed against Defendant Jones individually?

Answer Yes or No _____

If your answer is "Yes", in what amount? \$ _____

5. That Plaintiff Kelley's working conditions were so intolerable because of a racially hostile work environment that a reasonable person in like circumstances would have felt compelled to resign?

Answer Yes or No No

[Note: if you answer "No" to Question No. 5 you need not answer the remaining questions in this Section.]

6. That Defendant Jones intentionally discriminated against Plaintiff Kelley based on her race in the terms and conditions of her employment by creating and maintaining intolerable working conditions that compelled Plaintiff Kelley to resign?

Answer Yes or No _____

[Note: if you answer "No" to Question No. 6 you need not answer the remaining questions in this Section.]

7. That Defendant Jones' acts were the proximate or legal cause of any damages sustained by Plaintiff Kelley?

Answer Yes or No _____

[Note: if you answer “No” to Question No. 7 you need not answer the remaining questions in this Section.]

8. That Plaintiff Kelley should be awarded damages to compensate for a net loss of wages and benefits against Defendant Jones individually?

Answer Yes or No _____

If your answer is “Yes”, in what amount? \$ _____

9. That Plaintiff Kelley should be awarded damages against Defendant Jones individually to compensate her for emotional pain and mental anguish?

Answer Yes or No _____

If your answer is “Yes”, in what amount? \$ _____

10. That Defendant Jones acted with malice or with reckless indifference to Plaintiff Kelley’s federally protected rights and that punitive damages should be assessed against Defendant Jones individually?

Answer Yes or No _____

If your answer is “Yes”, in what amount? \$ _____

III. MARILYN BOYD DREW

A. LIABILITY TO MICHAEL BRYANT

Do you find from a preponderance of the evidence:

1. That Defendant Drew intentionally discriminated against Plaintiff Bryant in the terms and conditions of his employment

based on Plaintiff Bryant's race by creating and maintaining a racially hostile and abusive work environment?

Answer Yes or No Yes

[Note: if you answer "No" to Question No. 1 you need not answer the remaining question in this Section A.]

2. That Defendant Drew's acts were the proximate or legal cause of any damages sustained by Plaintiff Bryant?

Answer Yes or No Yes

[Note: if you answer "No" to Question No. 2 you need not answer the questions A3 and A4 below.]

3. That Plaintiff Bryant should be awarded damages against Defendant Drew individually to compensate him for emotional pain and mental anguish?

Answer Yes or No Yes

If your answer is "Yes", in what amount? \$ 20,000

4. That Defendant ^{Drew WSD} ~~Jones~~ acted with malice or with reckless indifference to Plaintiff Bryant's federally protected rights and that punitive damages should be assessed against Defendant Drew individually?

Answer Yes or No Yes

If your answer is "Yes", in what amount? \$ 11,500

B. LIABILITY AS TO JOHN DRAKE

Do you find from a preponderance of the evidence:

1. That Defendant Drew intentionally discriminated against Plaintiff Drake in the terms and conditions of his employment

based on Plaintiff Drake's race by creating and maintaining a racially hostile and abusive work environment?

Answer Yes or No Yes

[Note: if you answer "No" to Question No. 1 you need not answer the remaining question in this Section B.]

2. That Defendant Drew's acts were the proximate or legal cause of any damages sustained by Plaintiff Drake?

Answer Yes or No Yes

[Note: if you answer "No" to Question No. 2 you need not answer the questions B3 and B4.]

3. That Plaintiff Drake should be awarded damages against Defendant Drew individually to compensate him for emotional pain and mental anguish?

Answer Yes or No Yes

If your answer is "Yes", in what amount? \$ 12,000

4. That Defendant ~~Jones~~ ^{Drew WSD} acted with malice or with reckless indifference to Plaintiff Drake's federally protected rights and that punitive damages should be assessed against Defendant Drew individually?

Answer Yes or No Yes

If your answer is "Yes", in what amount? \$ 12,000

C. LIABILITY TO HERBERT LOWE

Do you find from a preponderance of the evidence:

1. That Plaintiff Lowe in good faith asserted objectively reasonable complaints of racial discrimination on behalf of

Plaintiffs Kelley, Bryant and/or Drake that Defendant Drew was aware of?

Answer Yes or No No

[Note: if you answer "No" to Question No. 1 you need not answer the remaining questions in this section C.]

2. That Defendant Drew's acts were a substantial contributing factor in the decision to eliminate Plaintiff Lowe's position?

Answer Yes or No No

[Note: if you answer "No" to Question No. 2 you need not answer the remaining questions in this Section.]

3. That Plaintiff Lowe's complaints of race discrimination on behalf of Plaintiffs Kelley, Bryant and/or Drake were a substantial, motivating cause of Defendant Drew's acts that you find substantially contributed to the decision to eliminate Plaintiff Lowe's position?

Answer Yes or No _____

[Note: if you answer "No" to Question No. 3 you need not answer the remaining questions in this section.]

4. That Plaintiff Lowe should be awarded damages against Defendant Drew individually to compensate him for emotional pain and mental anguish?

Answer Yes or No _____

If your answer is "Yes", in what amount? \$ _____

5. That Defendant Drew acted with malice or with reckless indifference to Plaintiff Lowe's federally protected rights and that punitive damages should be assessed against Defendant Drew individually?

Answer Yes or No _____

If your answer is "Yes", in what amount? \$ _____

**IV.
MORRIS WILLIAMS**

A. LIABILITY TO MICHAEL BRYANT

Do you find from a preponderance of the evidence:

1. That Defendant Williams intentionally discriminated against Plaintiff Bryant in the terms and conditions of his employment based on Plaintiff Bryant's race by creating and maintaining a racially hostile and abusive work environment?

Answer Yes or No No

[Note: if you answer "No" to Question No. 1 you should not answer the remaining question in this Section A.]

2. That Defendant Williams' acts were the proximate or legal cause of any damages sustained by Plaintiff Bryant?

Answer Yes or No _____

[Note: if you answer "No" to Question No. 2 you need not answer the remaining questions in this section.]

3. That Plaintiff Bryant should be awarded damages against Defendant Williams individually to compensate him for emotional pain and mental anguish?

Answer Yes or No _____

If your answer is "Yes", in what amount? \$ _____

4. That Defendant Williams acted with malice or with reckless indifference to Plaintiff Bryant's federally protected rights and that punitive damages should be assessed against Defendant Williams individually?

Answer Yes or No _____

If your answer is "Yes", in what amount? \$ _____

B. LIABILITY TO JOHN DRAKE

Do you find from a preponderance of the evidence:

1. That Defendant Williams intentionally discriminated against Plaintiff Drake in the terms and conditions of his employment based on Plaintiff Drake's race by creating and maintaining a racially hostile and abusive work environment?

Answer Yes or No No

[Note: if you answer "No" to Question No. 1 you should not answer the remaining question in this Section B.]

2. That Defendant Williams' acts were the proximate or legal cause of any damages sustained by Plaintiff Drake?

Answer Yes or No _____

[Note: if you answer "No" to Question No. 2 you need not answer the remaining questions in this section.]

3. That Plaintiff Drake should be awarded damages against Defendant Williams individually to compensate him for emotional pain and mental anguish?

Answer Yes or No _____

If your answer is "Yes", in what amount? \$ _____

4. That Defendant Williams acted with malice or with reckless indifference to Plaintiff Drake's federally protected rights and that punitive damages should be assessed against Defendant Williams individually?

Answer Yes or No _____

If your answer is "Yes", in what amount? \$ _____

C. LIABILITY TO BECKY KELLEY

Do you find from a preponderance of the evidence:

1. That Defendant Williams intentionally discriminated against Plaintiff Kelley in the terms and conditions of her employment based on Plaintiff Kelley's race by creating and maintaining a racially hostile and abusive work environment?

Answer Yes or No No

[Note: if you answer "No" to Question No. 1 you should not answer the questions 2 – 4 in this Section. Please move to question 5.]

2. That Defendant Williams' acts were the proximate or legal cause of any damages sustained by Plaintiff Kelley?

Answer Yes or No _____

[Note: if you answer "No" to Question No. 2 you should not answer the questions 3 – 4 in this section. Please move to question 5.]

3. That Plaintiff Kelley should be awarded damages against Defendant Williams individually to compensate her for emotional pain and mental anguish?

Answer Yes or No _____

If your answer is "Yes", in what amount? \$ _____

4. That Defendant Williams acted with malice or with reckless indifference to Plaintiff Kelley's federally protected rights and that punitive damages should be assessed against Defendant Williams individually?

Answer Yes or No _____

If your answer is "Yes", in what amount? \$ _____

5. That Plaintiff Kelley's working conditions were so intolerable because of a racially hostile work environment that a reasonable person in like circumstances would have felt compelled to resign?

Answer Yes or No No

[Note: if you answer "No" to Question No. 5 you need not answer the remaining questions in this Section.]

6. That Defendant Williams intentionally discriminated against Plaintiff Kelley based on her race in the terms and conditions of her employment by creating and maintaining intolerable working conditions that compelled Plaintiff Kelley to resign?

Answer Yes or No _____

[Note: if you answer "No" to Question No. 6 you need not answer the remaining questions in this Section.]

7. That Defendant Williams' acts were the proximate or legal cause of any damages sustained by Plaintiff Kelley?

Answer Yes or No _____

[Note: if you answer "No" to Question No. 7 you need not answer the remaining questions in this Section.]

8. That Plaintiff Kelley should be awarded damages to compensate for a net loss of wages and benefits against Defendant Williams individually?

Answer Yes or No _____

If your answer is "Yes", in what amount? \$ _____

9. That Plaintiff Kelley should be awarded damages against Defendant Williams individually to compensate her for emotional pain and mental anguish?

Answer Yes or No _____

If your answer is "Yes", in what amount? \$ _____

10. That Defendant Williams acted with malice or with reckless indifference to Plaintiff Kelley's federally protected rights and that punitive damages should be assessed against Defendant Williams individually?

Answer Yes or No _____

If your answer is "Yes", in what amount? \$ _____

V.

RICHARD STOGNER

A. LIABILITY TO MICHAEL BRYANT

Do you find from a preponderance of the evidence:

1. That Defendant Stogner intentionally discriminated against Plaintiff Bryant in the terms and conditions of his employment based on Plaintiff Bryant's race by creating and maintaining a racially hostile and abusive work environment?

Answer Yes or No Yes

[Note: if you answer "No" to Question No. 1 you need not answer the remaining question in this Section.]

2. That Defendant Stogner's acts were the proximate or legal cause of any damages sustained by Plaintiff Bryant?

Answer Yes or No Yes

[Note: if you answer "No" to Question No. 2 you need not answer the remaining questions in this Section.]

3. That Plaintiff Bryant should be awarded damages against Defendant Stogner individually to compensate him for emotional pain and mental anguish?

Answer Yes or No No

If your answer is "Yes", in what amount? \$ _____

4. That Defendant Stogner acted with malice or with reckless indifference to Plaintiff Bryant's federally protected rights and that punitive damages should be assessed against Defendant Stogner individually?

Answer Yes or No Yes

If your answer is "Yes", in what amount? \$ 15,750

B. LIABILITY TO JOHN DRAKE

Do you find from a preponderance of the evidence:

1. That Defendant Stogner intentionally discriminated against Plaintiff Drake in the terms and conditions of his employment based on Plaintiff Drake's race by creating and maintaining a racially hostile and abusive work environment?

Answer Yes or No Yes

[Note: if you answer "No" to Question No. 1 you need not answer the remaining question in this Section.]

2. That Defendant Stogner's acts were the proximate or legal cause of any damages sustained by Plaintiff Drake?

Answer Yes or No Yes

[Note: if you answer "No" to Question No. 2 you need not answer the remaining questions in this section.]

3. That Plaintiff Drake should be awarded damages against Defendant ~~Williams~~ ^{Stogner who} individually to compensate him for emotional pain and mental anguish?

Answer Yes or No No

If your answer is "Yes", in what amount? \$ _____

4. That Defendant ~~Williams~~ ^{Stogner who} acted with malice or with reckless indifference to Plaintiff Drake's federally protected rights and that punitive damages should be assessed against Defendant ~~Williams~~ ^{Stogner who} individually?

Answer Yes or No Yes

If your answer is "Yes", in what amount? \$ 12,000

C. LIABILITY TO BECKY KELLEY

Do you find from a preponderance of the evidence:

1. That Defendant Stogner intentionally discriminated against Plaintiff Kelley in the terms and conditions of her employment based on Plaintiff Kelley's race by creating and maintaining a racially hostile and abusive work environment?

Answer Yes or No No

[Note: if you answer "No" to Question No. 1 you should not answer the questions 2 – 4 in this Section. Please move to question 5.]

2. That Defendant Stogner's acts were the proximate or legal cause of any damages sustained by Plaintiff Kelley?

Answer Yes or No _____

[Note: if you answer "No" to Question No. 2 you should not answer the questions 3 – 4 in this Section. Please move to question 5.]

3. That Plaintiff Kelley should be awarded damages against Defendant Stogner individually to compensate her for emotional pain and mental anguish?

Answer Yes or No _____

If your answer is "Yes", in what amount? \$ _____

4. That Defendant Stogner acted with malice or with reckless indifference to Plaintiff Kelley's federally protected rights and that punitive damages should be assessed against Defendant Stogner individually?

Answer Yes or No _____

If your answer is "Yes", in what amount? \$ _____

5. That Plaintiff Kelley's working conditions were so intolerable because of a racially hostile work environment that a reasonable person in like circumstances would have felt compelled to resign?

Answer Yes or No No

[Note: if you answer "No" to Question No. 5 you need not answer the remaining questions in this Section.]

6. That Defendant Stogner intentionally discriminated against Plaintiff Kelley based on her race in the terms and conditions of her employment by creating and maintaining intolerable working conditions that compelled Plaintiff Kelley to resign?

Answer Yes or No _____

[Note: if you answer "No" to Question No. 6 you need not answer the remaining questions in this Section.]

7. That Defendant Stogner's acts were the proximate or legal cause of any damages sustained by Plaintiff Kelley?

Answer Yes or No _____

[Note: if you answer "No" to Question No. 7 you need not answer the remaining questions in this Section.]

8. That Plaintiff Kelley should be awarded damages to compensate for a net loss of wages and benefits against Defendant Stogner individually?

Answer Yes or No _____

If your answer is "Yes", in what amount? \$ _____

9. That Plaintiff Kelley should be awarded damages against Defendant Stogner individually to compensate her for emotional pain and mental anguish?

Answer Yes or No _____

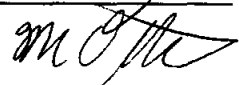
If your answer is "Yes", in what amount? \$ _____

10. That Defendant Stogner acted with malice or with reckless indifference to Plaintiff Kelley's federally protected rights and that punitive damages should be assessed against Defendant Stogner individually?

Answer Yes or No _____

If your answer is "Yes", in what amount? \$ _____

SO SAY WE ALL.

Michael S. Ostrowski
Foreperson 

DATED: 4/1/10